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*Attorneys for Plaintiffs Liberty Insurance Corporation and
LM General Insurance Company*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

LIBERTY INSURANCE CORPORATION, a
foreign corporation, and LM GENERAL
INSURANCE COMPANY, a foreign
corporation,

Plaintiffs,

v.

YVONNE BRODEUR, an individual; JERRY
BRODEUR, an individual; ELIAS
MENESES.

Defendants.

Case No. 2:19-cv-00457-APG-VCF

**JOINT STIPULATION AND ORDER
TO CONTINUE SETTLEMENT
CONFERENCE CURRENTLY
SCHEDULED FOR SEPTEMBER 14,
2020**

(First Request)

Plaintiffs Liberty Insurance Corporation and LM General Insurance Company, by and through its attorneys of record, the law firm of Foran Glennon Palandech Ponzi & Rudloff PC and by Defendants Yvonne Brodeur, Jerry Brodeur by and through their attorneys of record Bowen Law Offices and Defendant Elias Meneses, by and through his attorney the law firm of Mueller & Associates, hereby stipulate and request that the Court continue the Settlement Conference

1 currently scheduled for September 14, 2020 to an available date during the week of November 2,
2 2020.

3 **I. INTRODUCTION**

4 On July 10, 2020 this Court issued an Order Scheduling Settlement Conference for
5 September 14, 2020 at 10:00 a.m. before US Magistrate Judge Cam Ferenbach. [ECF No. 41]. Per
6 the Order, settlement conference briefs are due by 4:00pm on September 8, 2020. This is a
7 declaratory relief action in which Liberty seeks a determination that coverage is not afforded under
8 the auto and home insurance policies issued to its insureds, Gerrard and Yvonne Brodeur (“the
9 Brodeurs”) for an accident involving the insureds’ recreational vehicle (“ATV”). This accident is
10 the subject of a lawsuit in Clark County District Court, *Van-Vliet ex rel. Meneses v. Brodeur*, Eighth
11 Judicial District Court Case No. A-17-754459-C (“State Court Action”). The parties in this action
12 have been informed that a mediation is being scheduled in the State Court Action. As a settlement
13 in the State Court Action will resolve this litigation, the parties stipulate to continue the Settlement
14 Conference scheduled for September 14, 2020 to the week of November 2, 2020 in order to allow
15 the parties in the State Court Action to schedule mediation.

16 **II. STATEMENT OF GOOD CAUSE**

17 Good cause exists to grant the parties’ requested continuance. Plaintiffs were informed on
18 September 2, 2020 that the parties to the State Court Action have agreed to schedule a mediation
19 to resolve the case. A settlement of the State Court Action will necessarily resolve this litigation
20 thereby alleviating the need for a Settlement Conference. The parties to the State Court Action are
21 working to schedule a date for mediation which is anticipated to occur within the next the next
22 thirty (30) to forty-five (45) days. The parties seek to continue this Settlement Conference in order
23 to allow that mediation to move forward and potentially resolve this instant case.

24 Plaintiffs were advised by the Clerk of the Court to submit a stipulation with three (3) to
25 four (4) available dates for all parties and was advised that the Court would not have availability
26
27
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until after October 23, 2020. Per the Court's request, the parties affirm that they are available for a Settlement Conference between November 2 and November 4, and November 6, 2020¹.

III. REQUEST FOR SETTLEMENT CONFERENCE CONTINUANCE

Accordingly, the parties hereby request the Court approve this stipulation to continue the Settlement Conference and issue an Order resetting the Settlement Conference for the week of between November 2 and November 4, and November 6, 2020, or at another date in accordance with the Court's availability.

DATED: September 3, 2020

DATED: September 3, 2020

BOWEN LAW OFFICES

MUELLER & ASSOCIATES

By: /s/ Jerome Bowen
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By: /s/ Craig Mueller
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*Attorney for Defendants Yvonne Brodeur and
Jerry Brodeur*

Attorneys for Defendant Elias Meneses

DATED: September 3, 2020

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*Attorneys for Plaintiffs Liberty Insurance
Corporation and LM General Insurance
Company*

¹ Plaintiffs are unavailable on November 5, 2020.

Case No. 2:19-cv-00457-APG-VCF

ORDER

IT IS SO ORDERED that the Settlement Conference scheduled for September 14, 2020 is hereby continued to November 2, 2020, at 10:00 a.m. Settlement Conference briefs will be due by 4:00 p.m. on October 26, 2020. All else as stated in the order setting the settlement conference remains unchanged. (ECF No. 41).

Dated this 4th day of September, 2020


UNITED STATES MAGISTRATE JUDGE

If a party prefers to appear by video conference, the party must notify chambers (702-464-5540) of that decision by October 26, 2020.

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CERTIFICATE OF SERVICE

As an employee of Foran Glennon, I certify that a copy of the foregoing
[PROPOSED] JOINT STIPULATION AND ORDER TO CONTINUE SETTLEMENT
CONFERENCE by the method indicated:

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Registered Service List for the above-referenced case.
- ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated: September 2, 2020

/s/ Rita Tuttle
An Employee of Foran Glennon